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## BARNSTEAD, NH, ADOPTS FIRST-IN-THE-NATION LAW PROTECTING AGAINST RELIGIOUS PERSECUTION

At Town Meeting in March, Barnstead, NH, adopted the first-in-the-nation law protecting residents from political and civil persecution based on their religious beliefs. The Community Bill of Rights law establishes the right to be free from religious identification requirements.

The adoption of the *Right to be Free From Religious Identification Ordinance* at Barnstead's annual Town Meeting came as a result of the 2016 presidential election campaign, in which a candidate spoke of the possibility of requiring people to carry religious identification cards.

CELDF has been working with New Hampshire residents to advance Community Rights for over a decade. Barnstead's law was drafted at the Town's request by CELDF. The adoption of this Ordinance is the most recent expansion of CELDF's Community Rights work to include social and economic justice issues.

## NOT ON OUR WATCH: TACOMA RESIDENTS STAND AGAINST METHANOL PLANT

An incredible outcry has come from the people of Tacoma, WA, regarding a Chinese company's proposal to construct the nation's largest methanol plant. Methanol is an ingredient in the manufacture of plastic products, and the proposed plant would ship the flammable liquid alcohol to China and other Asian countries. The plant would require millions of gallons of water daily, and would be powered by natural gas. Some of that gas would be sourced from a veritable war zone: the fracking fields of the Colorado Rockies' front range.

The people of Tacoma have lived through a legacy of dirty industries, and only recently began climbing out of that history via a multi-million dollar remediation process obtained because of the environmental damage caused by toxic

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# OHIO COURT OF APPEALS DENIES THE PEOPLE'S RIGHT TO LOCAL COMMUNITY SELF-GOVERNMENT

On March 4, 2016, the eighth appellate court of Ohio ruled against Mothers Against Drilling in Our Neighborhoods (MADION) in a class action lawsuit brought by Broadview Heights residents in 2014. The lawsuit was filed against the State of Ohio and two corporations seeking to drill for gas within the City. CELDF, representing MADION, asserted the people have a Community Right to local democratic self-government to protect their health, safety, and welfare.

The court, however, was not moved by the will of the people, who had adopted a CELDF-drafted Community Bill of Rights Charter Amendment banning fracking in 2012. Instead, it affirmed the decision of a lower court. That court defended the corporate claimed "right" to bring industrial drilling and fracking into residential neighborhoods *against the will of that community*.

The appellate court also affirmed the corporate claimed "right" to use communities as resource colonies for the benefit of a few people, living far removed from the harms, for the sake of profits.

The court turned away from the opportunity to recognize the right of local community self-government over corporate claimed "rights." Instead, it remained steadfast in protecting the status quo, regardless of harms to communities. And it affirmed the right of the state legislature to legalize these harms.

Broadview Heights residents – 19,400 people – were told by *three* people that they must now watch as drillers invade their community, inject thousands of gallons of toxic chemicals into the ground...and do nothing – except wait. Wait for the harms to surface in their air, their water and in their children.

As the court's decision reveals to growing numbers of Ohioans the power of the corporate state over people in the places where they live, people in communities across the state are being galvanized to action, partnering with CELDF and refusing to accede to the court's denial of rights. See "Five Ohio Communities Launch New Community Rights Initiatives" on page 7 to learn more.

## **NOT ON OUR WATCH - CONTINUED FROM PAGE 1**

corporate activities. Today, recognizing this latest threat to their community and local ecosystems, Tacoma residents have formed Save Tacoma Water. They drafted an initiative to protect their Community Right to water, mandating that large water uses require voter approval. The

group requested CELDF's assistance to help strengthen their initiative. With additional CELDF-drafted language in place, the group is now gathering signatures to place their Community Rights Ordinance on the November 2016 ballot.

# BARRINGTON, NH: CORPORATE INTERESTS SUBORDINATE TO COMMUNITY RIGHTS

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Barrington, NH, residents adopted a Community Bill of Rights law at their annual Town Meeting in March, banning gravel mining and water withdrawals from the Isinglass River. With assistance from CELDF, Barrington residents have worked diligently since 2013 to educate local elected officials, neighbors, and other community groups of the threat posed by corporate interests intent on resource extraction. These extraction activities risk harm to the local economy, drinking water, and the natural environment.

Residents' perseverance resulted in the enactment of the *Community Bill of Rights to Protect the Waterways of Barrington Ordinance*. The Ordinance secures their right to clean air, pure water, and the right of local community self-government. It also recognizes the Rights of Nature such that "ecosystems possess rights to exist, flourish, and naturally evolve," and "residents of the town shall possess legal standing to enforce those rights on behalf of those ecosystems." The Ordinance prohibits corporations from siting projects that would violate those rights, and calls for state constitutional change specifically recognizing the right of local community self-government.

# OREGON SHOWDOWN EXPECTED BETWEEN COMMUNITY RIGHTS AND THE CORPORATE STATE

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Community Rights supporters in Oregon expect state government and corporate interests to challenge their Right of Local Community Self-Government state constitutional amendment. The measure was drafted by the Oregon Community Rights Network with assistance from CELDF. The Community Rights amendment campaign is spearheaded by Oregonians for Community Rights (OCR) - the political committee of the Oregon Network.

The group submitted the necessary petition initiative sponsorship signatures to the Oregon Secretary of State, and is prepared for a corporate-state legal challenge to keep the measure from advancing. OCR and their allies will work to overcome anticipated hurdles in time to circulate the ballot petition in 2016.

Oregon state government is increasingly taking preemptive action to stop communities from asserting their right to protect their health, safety, and welfare. The State is also refusing to relinquish centralized control over critical community issues such as GMOs, minimum wage, and rent control. Such state action is spurring growing support for the amendment to secure the right of local community self-government across Oregon.

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# GRANT TOWNSHIP, PA, PRESENTS FIRST RIGHTS-BASED CONSTITUTION IN THE U.S.

As noted in the last episode of *Susquehanna*, published days after the November 2015 elections, the people of Grant Township, Indiana County, PA, overwhelmingly adopted the first rights-based municipal Charter in the country. That Charter is a local Community Rights constitution, establishing Community Rights to clean air, pure water, and a sustainable energy future. Grant's Charter then secures those rights by prohibiting harmful activities such as injection wells.

But that's not all that's in the Charter. Other first-in-the-nation provisions include:

- A Right to Fair Taxation. Section 108 acknowledges that residents of rural Grant Township are frequently taxed at unfair levels by county or state governments, burdening Township residents with taxes that are incommensurate with the needs of those living within Grant Township. The new Township Charter authorizes Township Supervisors to adjust taxation rates imposed by other levels of government if those rates are unjust or burdensome.

- A provision for Emergency Town Meetings. Currently, under most home rule laws in Pennsylvania, if a pressing matter comes before the community that residents wish to vote on, they must wait until spring or fall elections to cast a ballot. However, corporations are well-versed in springing harmful activities on our communities in between election cycles. They may not have the time they need to mount an initiative campaign to defeat the proposal. The Grant Charter deals with this by allowing for an Emergency Town Meeting - inspired by Town Meetings in New England - which allows Grant voters to adopt legislation within weeks. Provisions are included to ensure all registered voters are educated on the process, and have the opportunity to vote.

Check out the entire Charter on CELDF's website. Grant's work will serve countless communities into the future, as they envision and create new governing structures to protect their rights and the natural environment.

See [celdf.org/law-library/local-law-center/](http://celdf.org/law-library/local-law-center/)

## CELDF FILM: WE THE PEOPLE 2.0 - THE SECOND AMERICAN REVOLUTION



This spring, Tree Media launched the trailer for *We the People 2.0 - The Second American Revolution*, a film about the new democracy movement building across the United States.

The film features CELDF's Thomas Linzey, Ben Price, and Tish O'Dell, with stories from across the country - including Pennsylvania, Ohio, and Oregon - where people and communities are organizing to protect against fracking and other harmful corporate practices. CELDF is partnering with them to build the Community Rights Movement to make real the promise that we live in a true democracy, where "we the people" are the key decision-makers for our own communities.

Check out the trailer and learn what's next at <http://celdf.org/we-the-people-2/>.

[www.treemedia.com](http://www.treemedia.com)



# NEW HAMPSHIRE: FIRST COMMUNITY RIGHTS STATE CONSTITUTIONAL AMENDMENT HEARD BY LEGISLATIVE COMMITTEE



For the first time in the United States, a state legislative committee held a public hearing on a Community Rights state constitutional amendment. The Community Rights amendment, [Article 40. Right of Local Community Self-Government](#), was drafted by the New Hampshire Community Rights Network (NHCRN) in partnership with CELDF. The proposed amendment was sponsored by House Representative Susan Emerson (R-Cheshire, District 11) and received bi-partisan support from the House and Senate.

The Community Rights amendment would empower community members and local governments to make local governing decisions - including banning unsustainable development projects and establishing stronger environmental protections than in place at the state and federal level.

Communities in New Hampshire face unsustainable projects such as the proposed Northern Pass industrial energy project, fracked gas pipelines, corporate water withdrawals, and industrial wind. CELDF has assisted communities across New Hampshire to prohibit such projects through local Community Bills of Rights laws, which assert the right to local community self-government - including the right to protect clean air and water. A Community Rights state constitutional amendment is the next step in protecting those rights by securing them in the New Hampshire Constitution.

With standing room only, the public hearing on the amendment was heard by the House Legislative Administration Committee in February. Residents from communities across the state of New Hampshire and beyond, prepared written and verbal testimonies. Folders filled with material supporting the call for the recognition of Community Rights in the New Hampshire Constitution was also submitted. Despite having broad community support across the state, the amendment was nixed by the committee with a unanimous vote of recommendation to the full New Hampshire House of "inexpedient to legislate" (ITL).

While the state legislature stood in the way of the right of local community self-government for the people of New Hampshire, Community Rights supporters are undeterred. CELDF Community Rights Organizer and the NHCRN Coordinator, Michelle Sanborn, stated, "We are enthusiastic that the amendment received the support it did from Representative Emerson and her colleagues, and we are undaunted by the outcome. It took more than 50 years for the Women's Suffrage Movement to achieve their goals - including more than 400 local and state laws. We are at the beginning of the Community Rights Movement, and this is the first of countless Community Rights measures to come. Representative Emerson and her colleagues supporting the amendment are making history alongside the communities of New Hampshire, and hundreds of other communities across the United States. We will be back next year."



## COLORADO HIGH COURT GREEN LIGHTS PETITIONING FOR COMMUNITY RIGHTS CON- STITUTIONAL AMENDMENT

The Colorado Supreme Court has ruled that Coloradans may petition to place their Colorado Community Rights Amendment on the November ballot, despite the oil and gas industry's efforts to block the measure. The proposed amendment, drafted by the Colorado Community Rights Network with CELDF's assistance, would legalize local governing authority over corporate activities that violate rights.

On March 10th, the Colorado high court affirmed the decision of the state title board that the amendment comprises a single subject and conforms with legal requirements for a proposed constitutional amendment. That decision was challenged by Tracee Bentley, President of the Colorado Petroleum Council and former Legislative Director for Governor John Hickenlooper, and Stan Dempsey, President of the Colorado Petroleum Association. The state Supreme Court found their attempt to keep the proposed amendment from the voters was without merit.

The Colorado Community Rights Amendment approved is as follows:

*An amendment to the Colorado constitution concerning a right to local self-government, and, in connection therewith, declaring that the people have an inherent right to local self-government in counties and municipalities, including the power to enact laws to establish, protect, and secure rights of natural persons, communities, and nature, as well as the power to define or eliminate the rights and powers of corporations or business entities to prevent them from interfering with those rights; and exempting such local laws from preemption*

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## WASHINGTON: SPOKANE STILL STANDING

In February, in a case defended by CELDF, Washington Supreme Court justices ignored more than 100 years of precedent that protected the people's right to initiative across the state. They overturned a recent appellate court decision that had protected that right as well. Today, the people of Spokane's 2013 Community Bill of Rights measure is permanently blocked from a vote by the City's residents.

In 2011, a nearly identical CELDF-drafted Community Bill of Rights was on the ballot, narrowly missing adoption by 500 votes. Corporate interests were convinced it would win in 2013, and sued to keep it off the ballot. They claimed they would suffer harm if the people were to adopt it. The Washington Supreme Court found on their behalf, and against the rights of Spokane residents to vote.

The Spokane Community Bill of Rights would have secured the right of neighborhood residents to decide on major development, instituted greater protections for the Spokane River and Aquifer, protected worker rights, and limited corporate privilege when it interfered with Community Rights.

The court's decision not only impacted the right to vote on Spokane's Community Bill of Rights, but on the right to vote in every community in the State of Washington. Any future local initiative that might affect corporate interests, or that appears to challenge state or corporate power, will likely be blocked from appearing on the ballot. Increasing the rights and protections of communities, including workers and nature, will likely be construed as irrelevant.

Rather than demoralizing the long-standing Community Rights group, Envision Spokane, the blatant corporate influence on the court's decision has had the opposite effect. Community Rights supporters are galvanized to further action, and the group promises to continue its education and organizing work, looking to new legislative campaigns in the near future. Stated Envision Spokane's Brad Read, "Community Rights is bigger than three justices claiming the power to shut down the people's right to vote. This is just the beginning."

# FIVE OHIO COMMUNITIES LAUNCH NEW COMMUNITY RIGHTS INITIATIVES



In the face of a recent appellate court decision denying Broadview Heights residents their right of local community self-government, five Ohio communities take a stand to assert their inalienable right to make the governing decisions in the places where they live.

Communities across Ohio are threatened with fracking, pipelines, compressor stations, and frack wastewater injection wells. Finding no remedy in their state government, they are using Community Rights initiatives, drafted with CELDF's assistance, to protect themselves and local ecosystems.

These rights-based measures would establish the rights of people and nature to clean air, water, sustainability and the right to flourish. They would also subordinate corporate claimed "rights" to the rights of the people, and would give all residents in each community decision-making authority where it matters most: in the places where they live. Fracking and its infrastructure would be banned as a violation of those rights.

The Cities of Youngstown and Columbus are advancing Community Bills of Rights laws banning fracking, and

have allies in counties across the state.

In 2015, several of these counties attempted to advance rights-based County Charters to the ballot. Despite gathering more than 10,000 signatures, protests filed by a half-dozen residents claiming the content was unconstitutional succeeded in blocking the people from a vote. The Ohio Supreme Court found the measures could not be kept off the ballot based on content, and that the Charters were deficient simply in not detailing the structure of government at the county level.

Ohioans threatened by fracking and its infrastructure are nothing if not fierce, and committed to protecting their health, safety, welfare, and the natural environment. Amended Charters in hand, Athens, Medina, and Portage County residents are gathering signatures to advance Community Rights County Charter measures to the November 2016 ballot. Proponents in both Youngstown, Columbus, and these counties, anticipate hurdles from a handful of residents, industry, and their own state government. Undeterred, they are committed to advancing rights for themselves and future generations.

## ***COLORADO HIGH COURT - CONTINUED FROM PAGE 6***

*or nullification by any federal, state, or international law if the local laws do not restrict fundamental rights or weaken legal protections for natural persons, their local communities, or nature.*

The measure now heads to petitioning and will need nearly 100,000 valid signatures of registered Colorado voters in order to be placed on the 2016 ballot. Coloradans for Community Rights, the political committee of

the Colorado Network, has trained over 100 petitioners from across the state. They will be building the campaign until the measure's deadline in early August 2016. Allied organizations from across the state have endorsed the measure and will be contributing volunteers.

Colorado has led the way for other Community Rights state constitutional measures that are being advanced in Oregon and New Hampshire.



# CELDF IS SPEARHEADING A MOVEMENT TO ESTABLISH RIGHTS FOR PEOPLE AND NATURE OVER THE SYSTEMS THAT CONTROL THEM.

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